

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
CARINA CRUZ,	:
	:
Plaintiff,	:
	:
-against-	:
	:
32BJ SEIU, et al.,	:
Defendants.	:
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19 Civ. 11836 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 23, 2019, pro se Plaintiff filed a Complaint against Defendants 32BJ SEIU and Kyle Bragg (Dkt. No. 2);

WHEREAS, on June 18, 2020, Defendants 32BJ SEIU and Kyle Bragg filed a motion to dismiss the Complaint (Dkt. No. 42);

WHEREAS, on June 22, 2020, pro se Plaintiff filed an Amended Complaint (Dkt. No. 46). The Amended Complaint is brought against only ABM Industries. Accordingly, the Clerk of Court terminated Defendants 32BJ SEIU and Kyle Bragg;

WHEREAS, on June 22, 2020, pro se Plaintiff also filed a “Statement of Facts Supporting Amended Complaint” (Dkt. No. 47). The “Statement of Facts Supporting Amended Complaint” asserts, “I, Carina Cruz, brings this action (1) against defendant Local 32B-32J Service Employees International Union (“SEIU”) . . . and (2) against defendants ABM Industry Groups, LLC (“ABM Industry”) and ABM Janitorial Services, Inc. (“ABM Janitorial”)”;

WHEREAS, the Amended Complaint therefore is construed as bringing claims against Defendant 32BJ SEIU;

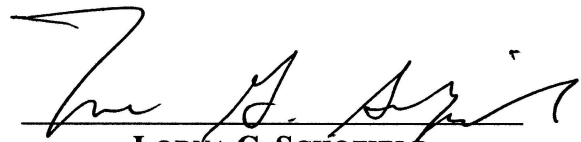
WHEREAS, the Court granted pro se Plaintiff’s request to proceed *in forma pauperis* (“IFP”) (Dkt. No 3). Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*,

717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). It is hereby

ORDERED that the motion to dismiss is DENIED as moot.

The Clerk of Court is respectfully requested to do the following: (1) reinstate Defendant 32BJ SEIU as a defendant in this action, (2) fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant ABM Industries and issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon this defendant; (3) close the motion at Dkt. No. 42; and (4) mail this order to pro se Plaintiff.

Dated: June 23, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE